

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Michael Gauselmann
Assignee: Atronic International GmbH
Title: Awarding Of Game Features In A Gaming Machine
Serial No.: 10/655,950 Filing Date: September 4, 2003
Examiner: Wei Li Group Art Unit: 3714
Docket No.: ATR-A-123 Conf. no.: 8895

San Jose, California
October 1, 2010

Mail Stop Appeal Brief
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

REPLY TO EXAMINER'S ANSWER

Dear Commissioner:

This replies to the Examiner's Answer mailed on September 1, 2010.

Claims 1 and 17 are the only independent claims and are similar. Claim 1 is reproduced below.

1. A gaming method comprising:

displaying a base game, the base game having a plurality of possible outcomes;

triggering a selection of one or more features to be applied to the base game by a triggering event;

in response to the triggering event, randomly selecting one or more features to be applied to the base game, the one or more features providing a temporary enhancement to the base game to be applied to at least one subsequent base game, the

one or more features acting to increase an award value or increase a player's chances of winning an award when playing the base game; and

also in response to the triggering event, randomly selecting a number of subsequent base games, equal to one or more, to which the one or more features will apply.

An aspect of Claim 1 that is emphasized herein to distinguish Claim 1 from the cited prior art is the combination of a “feature” (e.g., an award multiplier) that is to be applied to a base game being randomly selected in response to the triggering event, in combination with a separate random selection of the number of base games to which the selected feature applies. This requires a two step random selection process. Any prior art that does not randomly select a feature in combination with another step of randomly selecting the number of base games to which the selected feature applies could not suggest Claims 1 and 17.

The examiner agrees that **Nordman** “does not explicitly teach selecting (i.e., randomly selecting) a number of subsequent base games, equal to one or more, to which the one or more features will apply (the one or more features to be applied to at least one subsequent base game).” (Quoted from page 5 of the Answer)

In the Response to Argument section of the Answer, the examiner points to Nordman’s Figs. 3-5 for their teaching of a random selector arrow pointing to one of a plurality of randomly rotating wheels, where each wheel has a plurality of awards that can be randomly won. Therefore, two random events occur for the award to be selected (i.e., arrow selection of a wheel and wheel selection of an award). However, in every embodiment identified by Nordman, there is no two step random selection process where a feature is selected in combination with another random selection process that identifies the number of base games to which the feature applies. The closest example identified by the examiner is Nordman’s Fig. 5, where there are two rotating arrows 64a and 64b, which can both randomly point to rotating wheels to provide the player with two different awards. However, there is no instance where the feature is randomly selected in combination with another random selection process that determines the number of base games to which the selected feature applies.

In referring to Fig. 3, which describes a one-arrow embodiment, Nordman provides examples of the possible awards that can be displayed on the rotating wheels in col. 7, lines 13-22, as follows:

The members 66a to 66d each display a plurality of symbols. The symbols represent any one of a number of different types of awards presentable to a player. The symbols in an embodiment represent gaming device credits. In other embodiments, the symbols represent a multiplier of gaming device credits, a number of free spins, a number of picks from a prize pool, a number of free games, an advancement into a secondary or bonus game and any combination of these.

In all examples, the randomly selected features would be generated by a two step random selection of a wheel and the stop position of the wheel.

Although Fig. 5 shows two arrows 64a and 64b randomly pointing to respective rotating wheels, each wheel identifying a number of bonus credits, the examiner tries to create a scenario where one of the wheels may contain a “10 Free Games” award and another wheel contains an award multiplier award. If both awards are then randomly selected by the two arrows, the examiner believes that the award multiplier would apply to all 10 free games. (See page 8 of the Answer.) However, Nordman does not suggest that one of the wheels in Fig. 5 can randomly select, for example, 10 free games (shown in Fig. 4), while another selected wheel can select, for example, a 5x multiplier, so that the player wins 10 free games with a 5x multiplier. That scenario does not apply to Fig. 5. Neither does Nordman suggest that one arrow pointing to a credit bonus and the other arrow pointing to a “10 Free Games” bonus means that the player wins the credit bonus for each of the 10 free games. It just makes no sense to combine a “10 Free Games” award with a credit or multiplier award so that each free game gets the credit or multiplier. This is impermissible hindsight by the examiner. The “10 Free Games” is the award by itself.

In any event, the examiner agrees that Nordman fails to expressly teach a feature being randomly selected for application to a base game and another random selection determines to how many base games the selected feature applies. (See first paragraph of page 9 of Answer.) Had Nordman envisioned such a scenario, he would have mentioned it.

The examiner combines Nordman with **Crawford**. The examiner cites Crawford for Crawford's teaching of a player or the gaming machine saving symbols from one base game and then applying the saved symbols to any subsequent base game to achieve a winning symbol combination. In Crawford, if a player likes a particular symbol that appears on a stopped reel 40-42 (Fig. 3), or if the gaming machine automatically selects a symbol from a stopped reel, that symbol is saved in a separate display area 56-58 until the player or gaming machine desires to use it in a subsequent symbol combination across the reels. Once the saved symbol is used in a winning combination, it is extinguished.

As described in the Appeal Brief, there is no suggestion in Crawford that the feature of a saved symbol only applies to a randomly selected number of base games, where the random selection of the number of base games is in response to a triggering event. It would make no sense for Crawford to apply the saved symbol to a randomly selected number of base games (selected in response to the trigger event), since the player or gaming machine only uses the saved symbol when appropriate to create a winning symbol combination. There is no predetermination of when the saved symbol will get applied.

Accordingly, since the independent claims have been shown to be allowable over the combination of all the cited art, it is respectfully submitted that all claims are allowable. Should the Board or the examiner have any questions or claim clarifications, please call the undersigned at (408) 382-0480 x202.

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/Brian D Ogonowsky/
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October 1, 2010
Date of Signature

Respectfully submitted,

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